REMARKS/ARGUMENTS

This amendment is submitted in response to the final Office Action dated August 16, 2007, in which Claims 1 and 2 were objected to for various informalities and were rejected under 35 U.S.C. § 102(b) or in the alternative under 35 U.S.C. § 103(a). Claims 1 and 2 have been amended and remain pending in the current application. Support for the amendments can be found in the specification. No new matter has been added. Reconsideration of these rejections and allowance of the pending claims is respectfully requested.

Rejection in view of Thompson

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Thompson (U.S. Patent No. 5,718,159) or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Thompson. Applicant respectfully traverses this rejection.

Claim 1 requires, *inter alia*, that the "outer peripheral stent structure [be] permanently linked by at least a pair of filaments to a cylindrical central hollow braided core comprising at least one layer acting as an inner braided hemodynamic flow deflector" and that the commonly braided structure have "a gap of between 10 to 90% of the nominal diameter of the outer stent structure extending between the central braided core and outer stent structure." These features are not shown or suggested by Thompson. In Thompson, the disclosed prosthesis is designed as a tubular structure to be used as an intraluminal device having combined properties of stent and graft devices (col. 4, lines 22-24 and col. 5, lines 28-31). The prosthesis is formed as a three-dimensionally braided structure having inner and outer layers surrounding a medial layer, where the medial layer is a structural layer that provides the shape and form of the device, while the inner and outer layers are textile layers that cover the structural layer (cols. 2-4 generally, and, in particular, col. 3, lines 41-44 and col. 7, lines 14-21). In the prosthesis of Thompson, blood or bodily fluids travel through the central lumen, and the layers of the device are designed to prevent the blood or fluids from entering into any spaces between the layers (col. 8, lines 11-14). Thompson recites that there is "a substantial intermingling among the strands of the different layers for effective interlocking" (col. 7, lines 37-40), thus teaching away from providing a gap such as the gap required by Claim 1 of the present application. Further,

separating the discrete layers of the prosthesis would be contrary to the design of the device, and particularly to the imperviousness of the inner and outer layers, as discussed above, thus it would not have been obvious to one of ordinary skill in the art to make such a modification. Moreover, there is no showing or suggestion of a central core that acts as a hemodynamic flow deflector. On the contrary, the design of the prosthesis in Thompson promotes the known, prior art blood flow profile as described in the present application.

In addition, Thompson is directed toward solving a different problem than the present invention, specifically improvements on combined stent and graft devices to provide low permeability along with strength and flexibility (col. 1, lines 52-56). There is nothing in Thompson that addresses the issue of shear stress along the walls of a stent or graft, nor is there any disclosure that suggests incorporating a deflector such as in the present application. In fact, the disclosure of Thompson tends to preclude such an addition to the device based on the description of the delivery mechanism for Thompson's prosthesis. Thompson describes an inner catheter (ref. no. 26) having a tapered distal tip (ref. no. 28) that is located *inside* the lumen of the prosthesis. Only after the prosthesis has been positioned and has expanded is the diameter of the prosthesis large enough to allow the distal tip 28 to pass through as the inner catheter 26 is withdrawn (col. 5, lines 42-57 and Fig. 1). The addition of a structure to the center of the prosthesis would be incompatible with the delivery mechanism, further supporting that it would not be obvious to one of ordinary skill in the art to modify Thompson in such a way.

Claim 1 also requires, *inter alia*, that the "outer peripheral stent structure, [the] central hollow braided core and [the] at least a pair of filaments constitute a commonly braided *metal* structure" (emphasis added). This feature is also not shown or suggested by Thompson. In Thompson, the prosthesis is formed of a combination of structural strands that may be metal or polymeric and textile strands that are multifilament polymeric yarns (col. 4, lines 7-17). The use of the polymeric textile strands is fundamental to the invention in Thompson (see, e.g., col. 4, lines 18-36), thus there is no disclosure that the prosthesis of Thompson may be an entirely metal braided structure, nor would one of ordinary skill in the art find it obvious to substitute metal strands for the polymeric textile strands as many of the advantageous properties of the prosthesis of Thompson would then be lost.

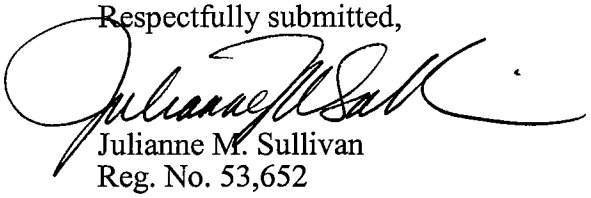
Accordingly, as Thompson does not teach at least these claimed elements of the present invention, it cannot anticipate Claim 1. Therefore, Applicant respectfully requests that the rejection of Claim 1 as anticipated by Thompson be withdrawn. Moreover, it would not be obvious to one of ordinary skill in the art to modify the prosthesis of Thompson to include these features, as discussed above, thus Applicant also respectfully requests that the rejection of Claim 1 as obvious over Thompson be withdrawn. Claim 2 depends from Claim 1 and is allowable for at least the same reasons, thus Applicant respectfully requests that the rejections of Claim 2 be withdrawn as well.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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